

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Cassandra Fenkel	Team: Squad #10	CCRB Case #: 201507516	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 10/04/2014 8:34 PM	Location of Incident: [REDACTED]	Precinct: 67	18 Mo. SOL 4/4/2016	EO SOL 4/4/2016	
Date/Time CV Reported Fri, 09/04/2015 11:27 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 09/04/2015 11:27 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Gregory Gingo	06156	930218	067 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Roxanne Joseph	12412	938737	067 PCT
2. SGT Ryan Habermehl	01478	931713	067 PCT
3. LT Timothy Edwards	00000	922299	067 PCT
4. POM Adrian Mendes	28829	950875	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Gregory Gingo	Discourtesy: Gregory Gingo acted discourteously toward § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On October 4, 2014, at approximately 8:34 p.m., § 87(2)(b) was pulled over at the intersection of Church Avenue and Utica Avenue in Brooklyn § 87(2)(b). § 87(2)(b) was issued a summons for the violation by PO Gregory Gingo and left the scene without incident. On October 10, 2014, § 87(2)(b) went to the DMV regarding her summons, at which point she noticed that a penis was drawn across the summons she had been issued (**Allegation A**) (Board Review 1). § 87(2)(b) then went to the 67th precinct stationhouse regarding the matter, and was later contacted by PO Roxanne Joseph. PO Joseph visited § 87(2)(b)'s home with Inspector Kenneth Lehr, apologized on behalf of the precinct, and brought § 87(2)(b) flowers. § 87(2)(b) waited nearly a year to file her complaint with the CCRB because she believed that the summons would have been resolved sooner. There is no video footage of the incident.

Mediation, Civil and Criminal Histories

- Mediation was offered to § 87(2)(b) who opted to have her complaint investigated.
- A Notice of Claim Inquiry has been submitted to the NYC Comptroller's Office, and will be included in the case file upon its receipt.
- A search of the NYPD Booking, Arraignment, and Disposition System revealed no prior arrests for § 87(2)(b). Given that § 87(2)(b) has never been arrested, there is no criminal conviction history.
- § 87(2)(b) § 87(2)(b)

Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s first CCRB complaint (Board Review 2).
- PO Gingo has been a member of service for 13 years and has had two prior CCRB complaints involving three allegations. One complaint was resolved through mediation, and in the other, a physical force and question allegation were closed as exonerated. § 87(2)(b)

Findings and Recommendations

Allegations not pleaded

- **Vehicle Stop:** A vehicle stop allegation has not been pleaded, as § 87(2)(b) was issued a summons for failure to obey a posted sign (no left turn). § 87(2)(b) acknowledged that she did not see the posted sign during her CCRB interview.

Allegation A -Discourtesy: PO Gregory Gingo acted discourteously toward § 87(2)(b)

Though it is undisputed that a penis was drawn across the summons § 87(2)(b) received, § 87(2)(b)

Though her summons was issued on October 4, 2014, § 87(2)(b) testified that she first noticed the penis drawn across her summons 6 days later at the DMV on October 10, 2014. § 87(2)(b) stated that she had not reviewed the summons when PO Gingo handed it to her, and immediately placed it in the glove compartment of her vehicle. After she returned home, § 87(2)(b) kept the summons in a drawer next to her bed. § 87(2)(b) did not keep the summons out in

the open, and denied that anyone else could have had access to it because she lives alone (see § 87(2)(b)'s statement).

§ 87(2)(b) a passenger in § 87(2)(b)'s vehicle, denied that she looked at § 87(2)(b)'s summons after it was issued to her. Additionally, § 87(2)(b) corroborated § 87(2)(b)'s account that § 87(2)(b) had immediately placed the summons into her glove compartment and did not look the summons over (see § 87(2)(b)'s statement).

PO Gingo denied that he drew the penis on § 87(2)(b)'s summons, and denied that he saw or knew of any other officer who may have done so. PO Gingo became aware of the penis on § 87(2)(b)'s summons at the end of his tour when he handed his copies of the summons to the desk sergeant, identified as Sgt. Ryan Habermehl. Sgt. Habermehl asked PO Gingo "What's with this summons?" and showed PO Gingo that there was a penis drawn on it. PO Gingo then inspected his summons book, and found 3 other summonses with penises drawn on them. An NYPD investigation was launched into the matter, and PO Gingo was asked who could have had access to his summons book. PO Gingo explained that he had previously left his summons book in the break room, in his bag outside, and in a police vehicle. PO Gingo could not name any officer who may have drawn the penises in his summons book. PO Gingo described that he is "not a big summons writer" and approximated that he had used this particular summons book for a year and a half. At the time of § 87(2)(b)'s vehicle stop, PO Gingo wrote § 87(2)(b)'s summons in the backseat of a dark police vehicle. In the front seat was Lt. Timothy Edwards and the vehicle's operator, PO Adrian Mendes. PO Gingo carried his summons book on his person for the entirety of his tour, and denied that Lt. Edwards or PO Mendes could have accessed his summons book. The NYPD's investigation in the matter resulted in PO Gingo receiving a command discipline and a loss of three vacation days for failure to safeguard police department equipment (See PO Gingo's statement).

Lt. Edwards and PO Mendes corroborated PO Gingo's account of the incident, and testified that PO Gingo was seated in the backseat of the police vehicle while they were seated in the front seats. PO Gingo wrote § 87(2)(b)'s summons in the backseat of the patrol car, and neither Lt. Edwards nor PO Mendes saw the summons prior to it being presented to § 87(2)(b). Neither Lt. Edwards nor PO Mendes had access to PO Gingo's summons book, and both Lt. Edwards and PO Mendes denied drawing the penis on § 87(2)(b)'s summons. Additionally, neither Lt. Edwards nor PO Mendes saw PO Gingo draw the penis on § 87(2)(b)'s summons, nor had any further information in regards to what officer may have done so (see Lt. Edwards' and PO Mendes' statement).

Sgt. Habermehl corroborated PO Gingo's account regarding his discovery of the offending image. Sgt. Habermehl testified that PO Gingo was unaware of the penis on § 87(2)(b)'s summons until Sgt. Habermehl pointed it out to him when collecting summonses at the end of PO Gingo's tour. PO Gingo did not explain how the penis may have gotten onto the summons. Sgt. Habermehl did not know whether or not PO Gingo drew the penis on § 87(2)(b)'s summons, nor did he know of any other officer who may have done so (see Sgt. Habermehl's statement).

PO Joseph testified that she became aware of the incident from a civilian employee at the precinct who had spoken to § 87(2)(b). As a community affairs officer, PO Joseph contacted § 87(2)(b) and asked if she could come to § 87(2)(b)'s home and apologize for the incident on behalf of the precinct. PO Joseph visited § 87(2)(b) at her home with Inspector Kenneth Lehr, and brought § 87(2)(b) flowers. PO Joseph denied that she learned at any point who drew the penis on § 87(2)(b)'s summons (see PO Joseph's statement).

§ 87(2)(g), § 87(2)(b)

Squad:

Investigator: _____
Signature Print Date

Pod Leader: _____
Title/Signature Print Date

Attorney: _____
Title/Signature Print Date